

**GROUND WATER MANAGEMENT COMMISSION
ADVISORY TASK FORCE MULTI-COMMITTEE MEETING
9th MEETING SUMMARY
September 4, 2002**

Prepared by:

Department of Natural Resources

Office of Conservation

Ground Water Management Staff

Call to Order

Advisory Task Force members in attendance:

Jess Barr, Cotton Producers Association

Bill Branch, LSU Agricultural Center, Designee

Patrick Credeur, Louisiana Rural Water Association

Representative William Daniel, Speaker of the House, Designee

Dr. Rene De Hon, University of Louisiana at Monroe, Geology Department

Charles R. Demas, USGS, Water Resources Division

Timothy W. Duex, University of Louisiana at Lafayette, Geology Department

Karen Gautreaux, Office of the Governor, Appointed

Henry T. Graham, Louisiana Chemical Association, Designee

Bradford Hanson, Louisiana Geological Survey, Designee

Senator Fred Hoyt, President of the Senate, Designee

Falcolm E. Hull, U.S. Army Corps of Engineers, New Orleans

Robert Jackson, New Orleans Sewerage & Water Board

Steve Levine, Association of Public Utilities

Paul “Jackie” Loewer, Jr., Louisiana Rice Growers Association

Frank Lyon, Louisiana Independent Oil and Gas Association

Kyle McCann, Louisiana Farm Bureau, Designee

Olevia McDonald, Sparta Ground Water Conservation District

Jeffrey A. Nunn, L.S.U.-Baton Rouge, Geology Department

Eugene Owen, Municipal Water Association

Edmond J. Preau, Red River Compact Commission

Ronald J. Rodi, P.E., Louisiana Engineering Society with Reservoir Experience

Linda Curtis Sparks, Sabine River Authority

Charles W. Stahr, Louisiana Pulp & Paper Association

Michael W. Wascom, Citizens for a Clean Environment

Ground Water Management Staff Activities:

The Commission staff received the final of Part 1 of the C. H. Fenstermaker report and recommended its approval to the Commission. The Commission approved Part I on June 28, 2002. The consultants are currently working on Part 2.

On July 1, 2002, a joint oversight committee hearing was held by the Senate and House Environment and Natural Resources committees. The joint committee approved the rules for conduct of hearings for critical ground water area designation applications. The rule became effective upon its publication in the July 20, 2002 Louisiana Register.

The Sparta Groundwater Conservation District's application was received on July 25. On August 7th, the staff informed the Sparta Commission additional information was needed to deem the application administratively complete. The requested additional information was received by the staff on August 23rd. The application is currently under technical review. The staff is attempting to post the entire application on the Ground Water Management Commission's website. In accordance with the rules mentioned above, the Commission will schedule one initial public hearing in the area affected by the application.

The staff has attended several meetings since May, including the August luncheon meeting of the Baton Rouge Chapter of the League of Women Voters, at which a panel discussion on water management was conducted. Panelists included Senator James David Cain, Representative William Daniel, Brad Hanson of the Louisiana

Geological Survey, and Dr. Bruce Darling of LGB Guyton and Associates. The staff also met with representatives of Webster Parish to discuss water management and planning.

There have been several changes in membership of the Commission since July 1, 2002.

Dr. Len Bahr has been named Director of the newly created Coastal Restoration Applied Research and Development Programs. Karen Gautreaux is serving as acting executive assistant of the Governor's Office of Coastal Activities until a permanent replacement for Dr. Bahr is found.

DEQ Secretary, Dale Givens, retired after 36 years in public service and will be replaced by Hall Bohlinger.

Mr. James H. Welsh became the new Commissioner of the Office of Conservation effective July 1, 2002. Mr. Welsh helped with the establishment of the Commission and Task Force before his retirement from state service last year.

The next Commission meeting will be on Friday, September 13, 2002 at 1:30 p.m. in the LaBelle Room.

Report from Advisory Task Force Committees

Economic Development/ Public Supply Committee: The language of the recommendation to the Ground Water Management Commission was revised and passed unanimously. The revised recommendation is:

The Commission proposes to the State Legislature a state water use management system that *includes*:

- (1) *provisions* for the authority to create, finance, construct and operate surface water treatment and transmission facilities for the purpose of reducing or abandoning the extraction of groundwater in lieu of surface water, and
- (2) provides incentives to encourage the private sector to invest in the installation of equipment and implementation of processes to conserve water use and to reduce or abandon groundwater extraction.

New Business

No new business.

Old Business: Presentation by C. H. Fenstermaker and Associates.

1. **Criteria for Critical Ground Water Areas:** There was discussion about declaring a stressed area as critical as a preventive measure. A critical area may change status in the future and be declared non critical. The Task Force agreed that micromanaging aquifers is not the intention of the legislation. Taking proactive or reactive measures would depend on the size of the staff.
2. **Water Rights:** The discussion of water rights was led by Brent Sonnier. He discussed water rights systems in the U.S. Louisiana is a “Rule of Capture” state under Article 9 of the Constitution. Under the current legislation, an area is either critical or non critical.
3. **Agency Designation and Structure:** Three approaches were discussed.
 - I.) **Top-Down Approach:** Louisiana Water Resources Agency (State Agency with Main Office in Baton Rouge) Regional Water Resources Agency Offices.
 - Sets policy and management objectives for each region
 - Responsible for uniform administration of water statutes and policy
 - Comprised of state funded administrative, planning, monitoring and enforcement staff
 - Sets standards for monitoring activities and data collection
 - Responsible for compliance enforcement
 - Central repository for all state water resource records
 - Responsible for designating Critical Areas
 - Sets desired level of public participation
 - Region Water Resources Agency Offices (State Agency with Regional Offices). May be necessary for proper administration, data collection, monitoring, and/or enforcement
 - II.) **Top-Down Approach with Regional Administration:** Louisiana Water Resources Agency (State Agency with the main office in Baton Rouge) Regional Water Planning & Management Commissions.
 - Sets policy and management objectives for each region
 - Responsible for uniform administration of water statutes and policy
 - Comprised of state funded administrative, planning and technical staff
 - Sets standards for monitoring activities and data collection by Regional Commissions
 - Central repository for all state water resource records
 - Conducts hearings and makes final ruling on Critical Area applications received from Regional Commissions

- Receives input from Regional Commissions and public
- Reviews and compiles periodic reports from Regional Commissions for review by the governor, legislature and other state regulatory agencies.

II.a.) Top-Down Approach with Regional Administration: Regional Water Planning and Management Commissions (State Authorized Commissions)

- Responsible for implementing state water management policy as set forth by Louisiana Water Resources Agency
- Comprised of regional stakeholders
- Responsible for ensuring public participation in planning and management issues
- Comprised of regionally funded administrative, planning, technical, monitoring and enforcement staff
- Funded through combination of regionally imposed fees, taxes and fines
- Responsible for data collection and reporting within region
- Responsible for compliance and enforcement within region
- Responsible for maintenance of data records within region
- Responsible for Critical Area data collection and submission of application for critical area designation
- Issues mandated periodic reports to Louisiana Water Resources Agency

III. Regional Planning Approach: Louisiana Water Resources Agency (State Office in Baton Rouge) Regional Water Planning & Management Commissions (State Authorized Commissions)

- Comprised of state funded administrative staff
- Compiles periodic reports from Regional Commissions for review by governor, legislature and other regulatory agencies
- Central repository for all state water resource records
- Central registry for water wells
- No uniform administration of water statutes and policy among regions
- No statewide monitoring or data collection standards
- No regulatory or enforcement authority
- Critical Area designation set by Regional Commissions

- III a) Regional Planning Approach: Regional Water Planning and Management Commissions (State Authorized Commissions)
- Sets policy and management objective for region
 - Comprised of regional stakeholders
 - Responsible for ensuring public participation in planning and management issues
 - Comprised of regionally funded administrative planning, technical, monitoring and enforcement staff
 - Funded through combination of regionally imposed fees, taxes and fines
 - Responsible for data collection and reporting within region
 - Responsible for compliance and enforcement within region
 - Responsible for Critical Area data collection and Critical Area designation within region
 - Issues periodic reports to Louisiana Water Agency

C. H. Fenstermaker recommended developing a plan using the best of items I. and III.

Next meeting to be scheduled at a later date